

98 1375301

Recording requested by and mail to:

Name: S. Mario Stavale
Boeing Realty Corporation
Address: 4060 Lakewood Blvd., 6th Floor
Long Beach, CA 90808-1700

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA

2:01 PM AUG 06 1998

FEE \$ 40 - F 12/12

***** Space Above This Line For Recorder's Use *****

MASTER COVENANT AND AGREEMENT

D.A. FEE Code 20 \$ 2.00

The undersigned hereby certifies I am (we are) the owners of the hereinafter legally described real property located in the City of Los Angeles, County of Los Angeles, State of California (please give the legal description):

Tract No. 52172 (See attached for legal and sketch.)

Site Address 1414 West 190th Street

That in consideration of the approval of Case No. CPC 97-0178 (ZC)(GPA)(SPR) by the City Planning Department, I (we) do hereby promise, covenant and agree to and with the City of Los Angeles and the City Planning Department of said City that to the extent of our interest, I (we):
Will comply with the Conditions of Approval required by this Case, as set forth in Ordinance No. 171965, a copy of which is attached hereto.

This covenant and agreement shall run with the land and shall be binding upon any future owners, encumbrancers, their successors, heirs or assigns and shall continue in effect until the City Planning Department of the City of Los Angeles approves its termination.

S. Mario Stavale for
Boeing Realty Corporation
(Print Name of Property Owner)

(Print Name of Property Owner)

(Signature of Property Owner)

(Signature of Property Owner)

Dated this 5th day of August 1998.

***** Space Below This Line For Notary's Use *****

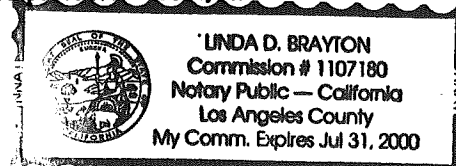
ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

On 8/5/98 before me, LINDA D. BRAYTON (name and title of officer), personally appeared S.M. STAVALE, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Linda D. Brayton (SEAL)
Notary Public Signature



Case No. CPC 97-0178 (ZC)(GPA)(SPR)

Condition No(s). A(1) of Q's + COVENANT of T's

Approved for recording by Phyllis A. Parker
(Department of City Planning)

Date: 8-6-98

12-5770 (5/30/94)

1 of 12

BOE-C6-0095484



98 1375301

CPC 97-0278 ZC/GPA

2 of 12

Harbor Gateway
Phase I
Tract No. 52172-01
CPC-97-0278 (ZC) (GPA) (SPR)

Legal Description

Being a portion of the 639.07 acres of the Rancho San Pedro allotted to Guadalupe Marcelina Dominguez in Superior Court Case No. 3284, County of Los Angeles and more particularly described as follows:

Beginning at a point in the Southerly line of 190th Street, distant thereon 567.23 feet from the Northeast corner of Parcel "B" of PMLA 2894 as filed in Book 56 pages 51 of Parcel Maps, records of said county; thence Easterly along said Southerly line to the Westerly line of the Pacific Electric Railway Company as it adjoins Normandie Avenue; thence Southerly along said Westerly line 1439.80 feet; thence at right angles Westerly 317.75 feet; thence at right angles Northerly 634.06 feet; thence at right angles Westerly 483.63 feet; thence Southwesterly approximately 164.51 feet; thence Westerly parallel to said 190th Street, 324.10 feet; thence at right angles Northerly, 944.09 feet to the Point of Beginning.

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98 1375301

3 of 12

ORDINANCE NO. 171965

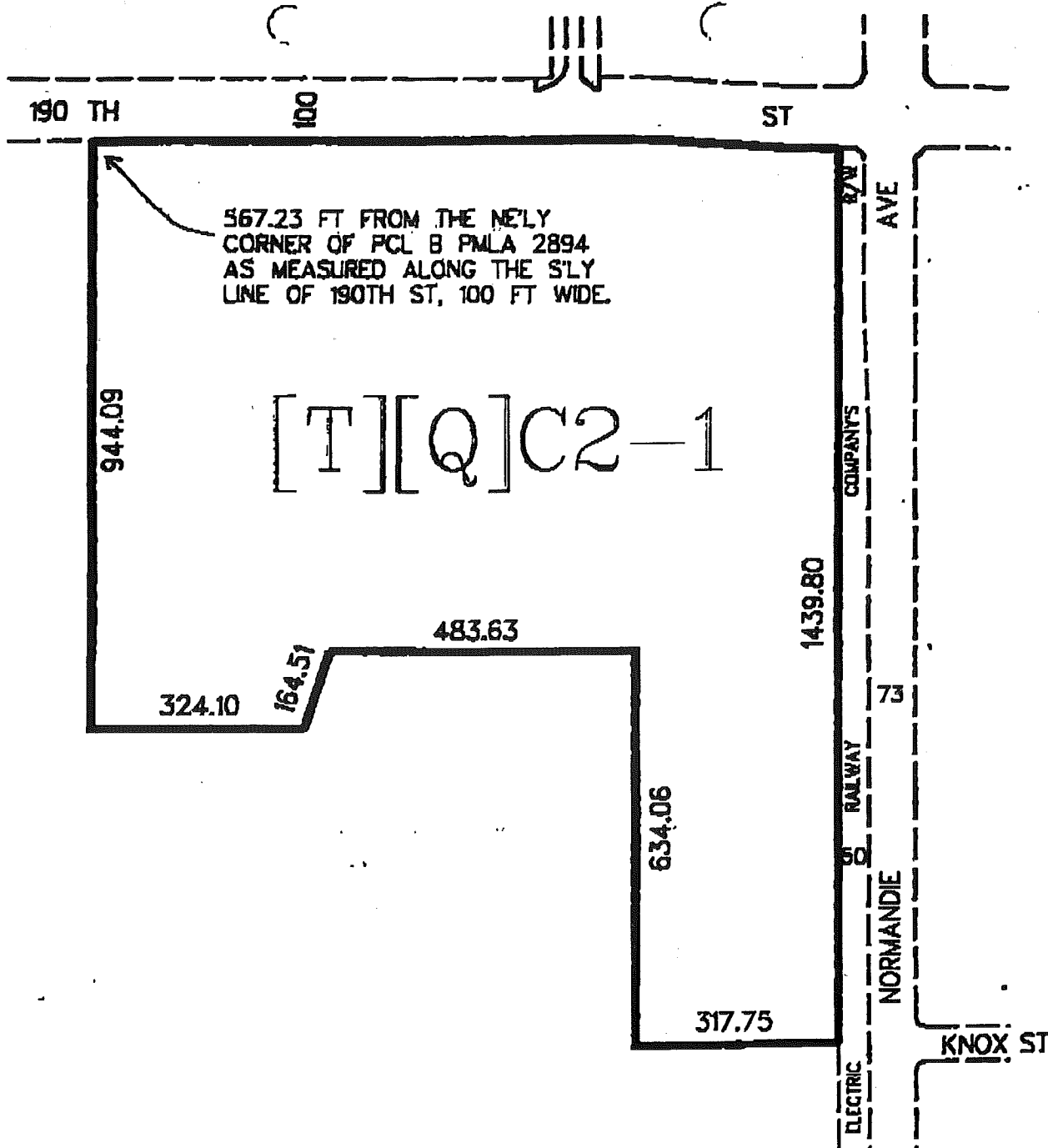
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1, of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:

98 1375301

4 of 12



NOT TO SCALE

98 1375301

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5 of 12

6

[Q] QUALIFIED
CONDITIONS OF APPROVAL

Sec. 2 Pursuant to Section 12.32-K of the Los Angeles Municipal Code the following limitations are hereby imposed upon the use of that property shown in Section 1 hereof which is subject to the Permanent "Q" Qualified Classification.

A. Administrative

1. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department.
2. Approval verification and submittal. Copies of any approvals, guarantees or verification of consultations, reviews or approvals, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
3. Definition. Any agencies, public officials, or legislation referenced in these conditions shall mean the agencies, public officials, legislation or their successors, designees or amendments to any legislation.
4. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor, and in accordance with any stated laws or regulations, or any amendments thereto.
5. Plan. The subject property shall be developed substantially in conformance with Exhibit No. E-3, attached to City Plan Case No. 97-0278 (ZC) (GPA) (SPR), and subject to the conditions of approval. Deviations may be allowed in order to comply with provisions of the Municipal Code and the intent of the subject permit authorization.
6. Prior to recordation of the final map, or prior to the issuance of any grading or building permit, whichever occurs first, the applicant shall submit and record as a

7
Covenant and Agreement a Mitigation Monitoring and Reporting Program satisfactory to the Department of City Planning that incorporates all mitigation measures required in the Final EIR No. 96-0096 (SUB) (CUB) (ZV) (DA) and additional conditions required by the subject action.

The program shall require the applicant to identify mitigation monitor(s) who shall provide annual status reports for a period of ten years, beginning immediately after completion of construction of each phase of the development, to implement mitigation items required. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the mitigation items, and identify the method of City Planning Department Plan Approval Sign-off (i.e., development conditions shown on plans, operational conditions shown in covenant and agreement, and/or verification letters from the responsible agencies).

B. Conditions on Use.

1. Hotel.

- a. No residential development, defined in terms of a dwelling unit used as a primary residence by its occupant, shall be allowed.
- b. Kitchenettes. If development of a hotel occurs, said hotel may include guest rooms which have hospitality kitchenettes provided that the design of such a kitchenette is limited to a single compartment sink, a microwave oven, a two-burner cook top, and a refrigerator. The appliances in these rooms shall provide only hospitality conveniences to business travelers and shall not be of a full service nature such as a full 4-burner stove top range and oven, garbage disposal, and dishwasher. The floor area for such kitchenettes shall be less than 50 square feet.
- c. Remediation. The California Regional Water Quality Control Board (RWQCB) is the lead agency responsible for the assessment and regulation of environmental site conditions related to past industrial uses of the property. Prior to the issuance of building permits for any hotel use, the project applicant, or hotel developer, will provide a letter from the RWQCB indicating that the RWQCB does not object to surface development on the subject property and any required conditions.

- 8
2. All other requirements of Los Angeles Municipal Code shall be fully complied with as though written herein.

C. Conditions on Development and Design.

- Graffiti*
1. Graffiti removal and deterrence. The property owners and all successors shall acknowledge the applicability of the graffiti removal and deterrence requirements pursuant to Municipal Code Sections 91.8101-F, 91.8904.1 and 91.1707-E relative to the subject project, particularly with regard to the following:
 - a. The first nine feet of exterior walls and doors, measured from grade, and all of any walls enclosing the property shall be built and maintained with a graffiti resistant finish consisting of either a hard, smooth, impermeable surface such as ceramic tile, baked enamel or a renewable coating of an approved, anti-graffiti material or a combination of both pursuant to Section 91.1707-E; and
 - b. the period for compliance with a graffiti removal order issued by the Building and Safety Department is 15 days following which period with failure to perform, the City or its contractor is empowered to enter the property to remove such graffiti with costs accruing to the property owner (91.8904.1); and
 - c. the period for compliance with a subsequent order for a subsequent occurrence is three days (91.8904.1.).
 - d. In addition to a,b, and c above, exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vine, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to the height of at least 9 feet, excluding windows and signs.
 2. Landscape. All landscape areas shall be landscaped in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or licensed landscape contractor and approved by the Director of Planning or the Director's designee. The Director or the Director's designee shall determine whether the plan is in compliance with all provisions below, Xeriscape and Landscape ordinances, and the attached Exhibits:
- PLC 97-0278-02*
2000/11/14 →

- a. General. Landscaping shall consist of plant materials such as trees, shrubs and planted ground cover. All grade level planting areas shall be contained within a minimum six-inch-high continuous concrete curb. Patios or other hardscape shall not constitute landscaping.
- b. General. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan.
- c. Amount. Landscaping shall be equal to not less than five percent of the parking area, exclusive of walkways and trash areas. Shade providing trees shall be planted at a ration of one tree for every four surface parking spaces. The shade producing trees shall be approved by the Director of Planning or the Director's designee. The trees shall be located in such a manner and size so that the trees produce an overhead canopy effect that is anticipated to cover at least 50 percent of the parking area after ten years of growth.

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3. Lighting(Night/Security). All lighting shall be shielded and directed onto the site. This condition shall not preclude the installation of low-level security lighting.

- a. Parking areas: 3/4-foot candle flood lighting measured at the pavement.
- b. Walkways and trash storage areas: Low level lighting. Areas of the subject site not covered by a building shall have night lighting for safety and security.

4. Pay Phones. All pay phones on the subject property shall be inside the buildings where they can be readily monitored by facility staff.

5. Police Department. Preparation of a plot plan in conformance with the Design Out Crime Guideline Booklet and Incorporate Crime Prevention Through Environmental Design (CPTED) to mitigate impacts on police services. Police recommendations may include but are not limited to secured parking, security fencing, security lighting, information signs, building design and landscaping to reduce places of potential concealment. The plans shall

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be to the satisfaction of LAPD Crime Prevention Section Personnel (213/485-3134).

- CONFIRM.
6. Rooftop Mechanical Equipment and/or ductwork that exceeds the roof ridge or parapet wall, whichever is higher, shall be screened horizontal view with materials compatible with the design of the building.
 7. Signs. Signs shall conform to provisions in Division 62 (Building Code) of the City of Los Angeles Building Code.
 8. Utilities. All new utility lines that directly service the site shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service.
 9. Walls Trash/Storage. Open areas devoted to trash storage or other storage shall be buffered so as not to result in noise, odor, or debris impacts. A solid masonry block walls or similar material as related building, a minimum of six feet in height, shall enclose trash and other storage areas. There shall be no openings except for gates.

98 1375301

CONDITIONS FOR PERMANENT "T"
CLASSIFICATION CLEARANCE RELATING TO
THE SUBJECT PROPOSED PROJECT

Provisions of the following will clear the conditions for the Permanent Classification or by posting of guarantees satisfactory to the City Engineer to assure the following without expense to the City of Los Angeles, with copies of any approvals or guarantees provided to the Planning Department for attachment to the subject City Plan Case file.

Notice. If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

Notice. Certificates of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.); as required herein, are completed to the satisfaction of the City Engineer.

Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owners in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Furthermore, the agreement shall be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be given to the City Planning Department for attachment to the subject file.

1. Pursuant to Section 21.32.A of the Los Angeles Planning and Zoning Code, reclassification of the zone shall not occur until the recordation of the final map for Vesting Tract Map No. 52172, Block 01.

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PLAN AMENDMENT	CPC 97-0225 ZC/GPA
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